

Agency # 108.00

**RULES
FOR
REIMBURSEMENT OF EXPENSES
FOR
STATE-FUNDED ELECTIONS**

(Effective February 6, 2004; Revised January 1, 2006)



STATE BOARD OF ELECTION COMMISSIONERS

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Scope of Rules

These rules set forth general procedures for reimbursing counties for election expenses related to state-funded elections. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 500 Definitions

- (a) Candidate – any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office.
- (b) Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity.
- (c) Constitutional Officers of this State - the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands.
- (d) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting elections within its respective county and comprised of the county chair of the county committee of the majority party or the person elected by the county committee to serve in his or her stead, the county chair of the county committee of the minority party or the person elected by the county committee to serve in his or her stead, and a third member appointed by the State Board of Election Commissioners from a certified list of five nominees submitted by the county committee of the majority party.
- (e) Election Expenses - costs incurred by a county for conducting a state-funded election including election officials pay, part-time help pay, mileage expenses, election commissioners pay, polling place supply costs, set up and programming costs, ballot printing costs, legal advertising costs, cleaning expenses, and certified trainer pay as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.
- (f) Election Official - a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.
- (g) Electronic Vote Tabulating Device – device used to electronically scan a marked paper ballot for the purposes of tabulation.
- (h) Majority Party - the political party in the State of Arkansas whose candidates were elected to a majority of the constitutional offices of the state in the last preceding general election.

- (i) Minority Party - the political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party which polled the second greatest number of votes for the office of Governor in the last preceding general election, if all of the elected constitutional officers of this state are from a single political party.
- (j) Nonpartisan Judicial General Election - the regular biennial election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge.
- (k) Off-site Early Voting - additional early voting polling sites outside the county clerk's office.
- (l) Political Party - any group of votes which at the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three (3%) of the entire vote cast for the office.
- (m) Polling Site - a location selected by the county board of election commissioners where votes are cast.
- (n) Primary Election - any election held by a political party in the manner provided by law for the purpose of selecting nominees of the political party for certification as candidates for election at any general or special election in this state.
- (o) Public meeting - any gathering consistent with the definition established under the Arkansas Freedom of Information Act.
- p) Special election – any specially scheduled election to fill vacancies or to approve any measure.
- q) State-funded elections - preferential primary elections, general primary elections, special primary elections, nonpartisan judicial general elections, and statewide special elections.
- r) Voting machine – a direct recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and in a printed copy. “Voting machine” also includes any electronic device for marking a paper ballot to be electronically scanned.
- s) Voting system – the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system

changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including, but not limited to, notices, instructions, forms, or paper ballots.

§ 501 Funds

The State Board of Election Commissioners is statutorily charged with funding political party primary elections from funds appropriated to the State Board for election expenses of the State Board and the county boards of election commissioners for conducting state-funded elections.¹

§ 502 Withholding of Funds

The State Board of Election Commissioners may withhold reimbursement of funds to the counties for state-funded elections for failure to comply with the rules developed by the State Board for the administration of primary elections or applicable state election laws until all requirements are met to the satisfaction of the State Board.²

Failure to comply with the rules and guidelines for reimbursement for state-funded elections established by the State Board, failure to file an “Affidavit of Compliance” with the State Board, or failure to deliver certified results of the election to the Secretary of State will result in withholding of reimbursement of funds to the county until all requirements are met to the satisfaction of the State Board.³

§ 503 System of Reimbursement

A. Pre-election Expenses

Prior to each state-funded statewide special and preferential primary election, each county board of election commissioners may file in writing under the signature of all three commissioners a request for pre-election expense reimbursement from the State Board of Election Commissioners.

Biennially following each legislative session, the State Board of Election Commissioners will establish an estimated average cost per registered voter of conducting elections based upon databases of comparative state-funded election costs maintained by the State Board.

If the county board submits a pre-election expense reimbursement request at least thirty (30) days prior to any statewide special or preferential primary election in accordance with the State Board’s rules and guidelines for requesting reimbursement of state-funded election expenses, the county treasurer will receive an amount equivalent to one-fourth (1/4) of the

¹ A.C.A. § 7-7-201(a)

² A.C.A. §§ 7-7-201(b)(4)

³ A.C.A. §§ 7-4-107(e); 7-5-701(c)(1)(B)

estimated average cost of conducting the election based upon the previously established average cost per registered voter and the most current number of registered voters as provided to the State Board by the county or a minimum of one thousand dollars (\$1,000), whichever is greater.

The county treasurer of the respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made from this appropriation.

B. Actual Expenses

For each state-funded election, the State Board of Election Commissioners furnishes each county board of election commissioners with worksheets for requesting reimbursement of election expenses, accompanied by comprehensive guidelines and instructions that are updated biennially following each legislative session.

Each county board must submit actual invoices, receipts, and all other required documentation of actual election expenses in accordance with the State Board's rules and guidelines for requesting reimbursement of state-funded election expenses by the official date set by the State Board for receipt of the documentation.

Upon approval by the State Board, each county treasurer will receive reimbursement from the state for approved actual election expenses. The county will disburse the funds allocated for election expenses and establish a separate expense code to track and monitor payments made from this appropriation.

C. Uniform and Consistent Distribution of Funds

This system of reimbursement has resulted in uniform and consistent distribution of funds from the State to the counties and has provided the State with the information needed for the development of databases of comparative election costs allowing the State to maintain a high level of fiscal accountability.⁴

§ 504 Allowable Expenses

A. Election Officials Pay

Election Officials pay includes payment for election officials working polling sites on election day, payment for election officials working off-site early voting polling sites, and payment to election officials for attending training.

⁴ A.C.A. § 7-4-101(f)(5)

Election officials working a full day at polling sites on election day in state-funded elections will be paid a flat rate of \$75.00. Election officials working a split shift (1/2 day) at polling sites on election day in state-funded elections will be paid a flat rate of \$37.50.⁵

Election officials working off-site early voting will be paid the prevailing federal minimum wage per hour for the number of hours worked in state-funded elections.⁶

Election officials who attended training conducted by a Board-certified trainer immediately prior to the preferential primary election in which they worked will also be paid a maximum one-time \$25 payment, regardless of whether working both off-site early voting polling sites and the polls on election day, for their time in having attended training. Please refer to the “Rules for Election Officials (Poll Workers) Training” (Effective March 17, 2002, Revised December 1, 2005).

The State Board of Election Commissioners will reimburse for a maximum of six (6) eligible election officials per polling site in order to assure against an excessive number of election officials per poll. For those counties that combine multiple polling sites within a single facility, i.e., an auditorium, etc., each separate location within the single facility where voters identify themselves to election officials for the purpose of casting a ballot would constitute a polling site.

B. Part-time Help Pay

Part-time help includes one extra deputy to the county clerk for the purpose of carrying out the requirements of absentee and early voting, personnel designated by the county board of election commissioners to deliver ballots and election supplies to each set of election officials in each precinct, election officials designated to return ballots, election materials, and returns to the county board following the closing of the polls, election officials processing absentee ballots on election day, and election officials designated to tabulate the vote.

Part-time help will be paid the prevailing federal minimum wage per hour for the number of hours worked during state-funded elections. The extra deputy to the county clerk will be paid the prevailing federal minimum wage per hour for the number of hours worked per day for a period not to exceed twenty (20) days during state-funded elections.⁷

C. Mileage Expenses

For state-funded elections, the State Board of Election Commissioners will reimburse mileage expenses to personnel designated by the county board of election commissioners to deliver ballots and election supplies to each set of election officials in each precinct and election officials designated to return ballots, election materials, and returns to the county

⁵ A.C.A. § 7-4-112(a)

⁶ A.C.A. § 7-4-112(a)

⁷ A.C.A. §§ 7-4-112(a); 7-5-415

board following the closing of the polls at the rate prescribed for state employees in state travel regulations.⁸

D. Election Commissioners Pay

County election commissioners' pay will be reimbursed at the rate of \$50 per public meeting when official business is conducted, up to a maximum of ten (10) public meetings per state-funded election.⁹ Public meetings as defined under the Arkansas Freedom of Information Act include drawing of ballot position, certification of ballots, selection or alteration of location or boundaries of precincts or polling sites, designation of election officials, correction of errors or omissions of ballots, canvassing and certification of election results, canvassing and certification of election results due to a recount petition, and election day.

E. Polling Place Supply Costs

The State Board of Election Commissioners will pay supply costs directly related to the cost of conducting a state-funded election, including items such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments, envelopes, ballot boxes, ballot box seals, stub boxes, election kits, paper, and postage for mailing absentee application requests and ballots, official notice to election officials, and notices to polling sites.

F. Set Up/Programming Costs

The State Board of Election Commissioners will pay for set up, programming, and testing of voting machines and electronic vote tabulating devices for state-funded elections, including labor for preparation of machines; and labor, mileage and truck rental when applicable and necessary for transportation of voting machines and precinct tabulation devices to and from polling sites.¹⁰

G. Ballot Printing Costs

For state-funded elections, the State Board of Election Commissioners will reimburse for the cost of ballot stock and printing of ballots up to the maximum allowed by law.

For counties using electronic vote tabulating devices (whether centrally located or at each precinct) in combination with one (1) voting machine per poll accessible to voters with disabilities, the State Board will reimburse for a number of ballots equivalent to one and one half (1.5) times the number of electors voting at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.¹¹

⁸ A.C.A. § 7-4-112(b)

⁹ A.C.A. § 7-4-111(b)

¹⁰ A.C.A. §§ 7-5-301(g), (m)(2); 7-5-507(b); 7-5-515(a), (b); 7-5-611(a)(1)

¹¹ A.C.A. § 7-5-210(a)

For counties using all voting machines, the State Board of Election Commissioners will reimburse ballot printing costs up to a maximum of twenty percent (20%) of the registered voters.

Regardless of the type of voting system in use, the State Board will reimburse ballot printing costs for the printing of separate "judicial only" ballots for the nonpartisan judicial general election, up to a maximum of ten percent (10%) of the registered voters.

When a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, separate ballots containing only the issue or issues relating to the special election must be provided for those voters who do not wish to vote in a party's primary.¹² Regardless of the type of voting system used in these elections, the State Board of Election Commissioners will reimburse ballot printing costs for the printing of separate "special election only" ballots up to a maximum of ten percent (10%) of the registered voters.

The county board of election commissioners must provide a special absentee ballot marked as a "special runoff ballot" to active duty military personnel stationed overseas for each preferential primary and general election to be sent by the county clerk along with the absentee ballot for the preferential primary or general election.¹³ The State Board of Election Commissioners will reimburse ballot printing costs for the printing of "special runoff ballots" based upon the total number of overseas absentee ballot requests at the last preceding comparable election, up to a maximum of ten percent (10%) of one and one half (1.5) times the total number of absentee voters voting at the last preceding comparable election.

H. Legal Advertising Costs

The State Board of Election Commissioners will reimburse for the cost of two publications of the date of the election, the hours of voting on election day, polling sites for holding the elections, the candidates and offices to be elected, and the time and location of the opening, processing, canvassing, and counting of absentee ballots; one publication of the additional hours for early voting with the location of additional early voting polling sites in a newspaper of general circulation; and one publication of the time and place of testing of voting machines and electronic vote tabulating devices for state-funded elections.¹⁴

I. Cleaning Expenses

The State Board of Election Commissioners will reimburse a cleaning expense fee in the amount of \$20.00 to facilities used as polling sites in state-funded elections to offset the cost of using the facility.

¹² A.C.A. §7-5-103(b)(1)(B)(i)(a),(b)

¹³ A.C.A. § 7-5-406 (c)

¹⁴ A.C.A. §§ 7-5-202(a), (b); 7-5-418(b)(1)(C), (b)(5); 7-5-515(c)(2); 7-5-611(a)(3)

J. Certified Election Official Trainers Pay

The State Board of Election Commissioners will reimburse the county for a maximum of two (2) trainees designated by the county boards of election commissioners to attend training conducted by the State Board for the purpose of becoming certified election official trainers at a flat rate of \$50 each, plus mileage reimbursement at the rate established for state employees by state travel regulations, upon completion of the training and certification by the State Board.

The State Board will reimburse the county for certified trainer compensation for conducting election official training in the county prior to a preferential primary election at the flat rate of \$30 per training session up to a maximum of two (2) sessions per county.

Please refer to the “Rules for Election Officials (Poll Workers) Training” (Effective March 17, 2002, Revised December 1, 2005).

K. County Election Commissioners Training Pay

Each member of the county boards of election commissioners attending training conducted by the State Board of Election Commissioners prior to the regularly scheduled preferential primary election will be reimbursed at a flat rate of \$100.00, plus mileage reimbursement at the rate established for state employees by state travel regulations, upon completion of the training and certification by the State Board.

Please refer to the “Rules for County Election Commissioners Training” (Effective December 1, 2005).

§ 505 Unallowable and Disallowed Expenses

A. Election Officials Pay

The State Board of Election Commissioners will not reimburse volunteer election pages, county election commissioners, county election coordinators, and secretaries/assistants to the county board of election commissioners for serving as election officials at the polling sites on election day for state-funded elections.

B. Part-time Help Pay

The State Board of Election Commissioners will not pay the cost of a full-time or part-time election coordinator or the cost of a full-time or part-time secretary/assistant to the county board of election commissioners.

Additional deputies for absentee and early voting beyond the one (1) extra deputy, county election commissioners, county election coordinators, secretaries to the county board of election commissioners, and personnel on the county payroll are ineligible for reimbursement by the State as part-time help.

C. Mileage Expenses

The State Board of Election Commissioners will not pay county election commissioner mileage.

D. Election Commissioners Pay

County election commissioners will not be paid for election related duties conducted outside of public meetings of the county board of election commissioners as defined previously.

The county board shall not receive compensation until election results have been certified and delivered to the Secretary of State.¹⁵

E. Polling Place Supply Costs

The State Board of Election Commissioners will not pay for administrative expenses associated with conducting a state-funded election, including non-expendable equipment and supplies such as voting booths, electric pencil sharpeners, thermal binding machines, pagers, outlet strips, extension cords, adapters, phone cords, and expensive metal signage, nor for expendable supplies such as copier toner, printer toner cartridges, printer ribbons, diskettes, hanging file folders, manila file folders, binders, "I Voted" stickers, and flags. The State Board will not pay for the cost of binding voter books, for election official training material reproduction, for phone lines and services or internet services, for portable toilet rental, for capital or leasehold improvements to polling sites, for return postage, or for food.

F. Set Up/Programming Costs

The State Board of Election Commissioners will not reimburse for costs associated with the purchase of new or used voting systems or for leasing, rental, maintenance, or depreciation of voting systems.

G. Ballot Printing Costs

The State Board of Election Commissioners will not reimburse for the cost of printing reruns due to county or vendor error.

The county will be financially responsible for any overages in ordering and printing ballots. All exceptions must be by prior written request to the State Board with prior written approval by the State Board.

H. Legal Advertising Costs

The State Board of Election Commissioners will not reimburse for advertising the list of appointed election officials, for advertising for the purpose of notifying candidates of

¹⁵ A.C.A. § 7-5-701(c)(1)(B)

preparation of machines, advertising for election officials training, advertising in excess of that required by law as defined previously, re-advertising due to county error, or for any costs related to radio or television broadcasting or colored advertising.¹⁶

I. Cleaning Expenses

The State Board of Election Commissioners will not reimburse individuals for cleaning a facility used as a polling site.

J. Other

The State Board of Election Commissioners will not consider pre-election reimbursement requests for state-funded primary run-off elections or special primary elections.

Unallowable expenses incurred by the county, as determined by the State Board of Election Commissioners, must be paid from county funds. Political parties may not pay for additional election expenses.

If the county chooses to pay above the rates of pay prescribed by the State Board, then county funds must be used to pay the difference.

Allowable expenses that were disqualified by the State Board for exceeding the State Board's rules and guidelines, as determined by the State Board, may be appealed to the State Board for reconsideration.

In cases where a court determines that an election must be conducted again, the State Board shall consider, on a case-by-case basis, the criteria for paying the expenses of the new election.

¹⁶ A.C.A. §§ 7-4-107(b)(2); 7-5-516(a)